IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 240 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

SANGINI RAJENDRA SHROFF

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MS MAUNA M BHATT for Petitioner

MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 15/01/2001

ORAL JUDGEMENT

1. Heard Ms. Mauna M. Bhatt, learned counsel appearing on behalf of the petitioner and Mr. Akshay H. Mehta, learned Senior Central Government Standing Counsel for the respondent. RULE. Learned counsel Mr. AkshayH.

Mehta for the respondent waives service of Rule.

2. The petitioner - Ms. Sangini Rajendra Shroff has filed this petition under Article 226 of the Constitution of India for correction of the date of birth in the passport isssued to her. It is submitted that while filing the application for Passport, though the petitioner furnished a copy of her birth certificate showing her date of birth as 15.5.1967, the respondent has recorded the date of birth of the petitioner as 23.5.1967 as per the School Leaving Certificate. In Annexure-3, which is a copy of the passport issued by the respondent, the petitioner's date of birth is shown to be 23.5.1967. The learned counsel for the petitioner submitted that since incorrect entry is made in the passport, it is necessary to correct the date of birth in the passport.

3. Having regard to the certificate at Annexure-1 (Exh.1), which is a copy of the Certificate of Birth issued by the Bhihanmumbai Mahanagarpalika showing the date of birth of the petitioner to be 15.5.1967, I am of the view that the date of birth of the petitioner is required to be corrected in the passport by the Regional Passport Officer. Accordingly, the petition is allowed. The respondent - Regional Passport Officer, Ahmedabad is directed to consider the petitioner's application to change the date of birth in accordance with the Birth Certificate issued by the Brihanmumbai Mahanagarpalika, i.e. 15.5.1967. The petitioner is directed to submit an application to the respondent - Regional Passport Officer, Ahmedabad alongwith the copy of the Birth Certificate and other documents as may be necessary by the Passport Officer, and on such application being filed, the respondent shall consider the same and make necessary corrections in the passport issued to the petitioner within a period of one month from the date of receipt of this order.

4. Since the mistake is not attributable to the respondent, the petitioner shall pay cost of this petition which is quantified at Rs.1,500/- to the respondent. Rule is made absolute to the aforesaid extent. Direct Service is permitted.

Sd/-

15.01.2001 (D.H.Waghela, J.)

(KMG Thilake)